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JUDICIAL BRANCH
FEDERAL COURT
Judicial Section of Maranhão, 8th Federal
Environmental and Agrarian Court of the SJMA

CASE NUMBER: 1016396-27.2020.4.01.3700

CLASS: CRIMINAL COMPLAINT/REPORT OF CRIME (272)

ACTIVE PARTY: Federal Public Prosecutor's Office (Prosecutor's Office)
PASSIVE **PARTY :** FRANCISCO JOSE SANCHO RIOS II and others

DEFENDANT'S REPRESENTATIVES: BRUNO PIRES CASTELLO BRANCO - MA9609

DECISION

The Federal Public Prosecutor's Office attributes to FRANCISCO JOSÉ SANCHO RIOS II, JOÃO PEDRO DA ROCHA MORAIS and NELSON ANGELO PIQUET, as described in the initial complaint, the crime of causing damage to a Conservation Unit (Law 9.605/98, art. 40).

In summary, it argues that the defendants, freely and consciously, caused direct damage to the Lençóis Maranhenses National Park by entering the Primitive Zone of the Conservation Unit with motorized vehicles, with the assistance of a local guide known as "Mourinho," without authorization.

A non-prosecution agreement proposal was offered to the defendants (ID 204582879, p. 4/5). FRANCISCO JOSÉ SANCHO RIOS II expressed interest in the proposal presented. JOÃO PEDRO DA ROCHA MORAIS could not be located despite several attempts to serve him with a summons at the addresses provided, and NELSON ANGELO PIQUET (served by substituted service due to the difficulty in locating him) did not respond to the proposal, which resulted in the recognition of his tacit waiver (ID 1652126463).

The hearing for the presentation of the non-prosecution agreement proposal to FRANCISCO JOSÉ SANCHO RIOS II was held, and the proposal was accepted by the interested party. A deadline was granted for the submission of criminal record certificates, and a new hearing was scheduled for the presentation of the agreement proposal to NELSON ANGELO PIQUET, in view of the lawyer's information regarding the co-defendant's interest in entering into the agreement (ID 1763756082).

FRANCISCO JOSÉ SANCHO RIOS II submitted the criminal record certificates (IDs 1810144673, 1810144677 and 1810144679) and NELSON ANGELO PIQUET did not appear at the scheduled hearing (ID 1878911675).

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The Federal Public Prosecutor's Office requested the ratification of the non-prosecution agreement signed at the hearing with FRANCISCO JOSÉ SANCHO RIOS II, and the acceptance of the indictment in relation to the defendants JOÃO PEDRO DA ROCHA MORAIS and NELSON ANGELO PIQUET (ID 1887180192).

This is the report.

Having met the objective and subjective requirements, **I APPROVE,** so that it may produce its legal effects, the non-prosecution agreement entered into between the Federal Public Prosecutor's Office and FRANCISCO JOSÉ SANCHO RIOS II (CPP, art. 28-A).

The Federal Public Prosecutor's Office must initiate its registration in the System.
Unified Electronic Execution System - SEEU (CPP, art. 28-A, § 6º).

The defense attorney must register with SEEU, understanding that compliance with the agreement must be proven in the execution proceedings.

I will now proceed to analyze the initial complaint filed against the defendants JOÃO PEDRO DA ROCHA MORAIS and NELSON ANGELO PIQUET, given that attempts to hold a hearing to present the proposed non-prosecution agreement have been unsuccessful.

The complaint describes facts that appear to be typical of the crime – relating to damage caused to the Conservation Unit – and is supported by reasonable evidence, consisting of proceedings initiated by the Federal Public Prosecutor's Office based on the actions of the environmental administrative authority, thus establishing just cause for the exercise of criminal action based on the indications of authorship and materiality of the described conduct.

Furthermore, there is no evidence to justify the inadmissibility of the accusation nor evidence of the statute of limitations having expired (CPP, art. 41 and 395; CP, art. 109, III); only the investigation will allow for its proper evaluation.

With these considerations, **I ACCEPT the complaint** filed against JOÃO PEDRO DA ROCHA MORAIS and NELSON ANGELO PIQUET for the crime of causing damage to a Conservation Unit (Law 9.605/98, art. 40).

The defendants **are hereby summoned** to respond to the accusation within 10 (ten) days (CPP, art. 396). If no response is received within the deadline, the defense will be presented by the Public Defender's Office of the Union or a court-appointed defender, within the same period.

In the response, the defense may raise preliminary objections, as well as allege anything that is in its interest, offer documents/justifications, specify the intended evidence and list witnesses, qualifying them and requesting their summons only when necessary (CPP, art. 396-A).

The defendants are hereby warned that any changes of address must be reported to this court, under penalty of the proceedings continuing regardless of further personal notifications (art. 367, CPP).

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The Federal Public Prosecutor's Office may inform whether there are new addresses for the service of process on JOÃO PEDRO DA ROCHA MORAIS, within **five days.** If not, the request for **service by publication should be granted,** given that the defendant could not be located at the addresses (and telephone contact) provided in the case file (IDs 760355462, p. 118; 1114701289, p. 3; 1312549792; 1663854964 and 1710270467).

Correct the citation (ENVIRONMENTAL CRIMES).

Include the relevant data in SINIC.

The confidentiality of the case files should be lifted.

In due course, ensure the execution is registered in SEEU.

Notify them.

São Luís, date of electronic signature.

Ivo Anselmo Höhn Junior

Federal Judge

Electronically signed by: IVO ANSELMO HOHN JUNIOR 10/04/2024 17:41:10

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